

Message Text

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COMNAVINTCOM ALEX VA

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UNCLAS SECTION 1 OF 2 QUITO 4783

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SUBJECT: ECUADOREAN REGULATIONS ON VESSELS CONDUCTING SCIENTIFIC
RESEARCH OR VISITING FOR TOURIST PURPOSES ECUADOREAN CLAIMED
WATERS

REF: MINISTRY OF NATIONAL DEFENSE ECUADOR REGULATION NO. 59

ORIGINATOR HAS BEEN PROVIDED UPDATED COPY OF REFERENCE WHICH
CONTAINS REGULATIONS ON THE GRANTING TO FOREIGN VESSELS PERMITS TO
VISIT, FOR TOURIST OR SCIENTIFIC PURPOSES, ECUADOREAN CLAIMED WATERS
TO INCLUDE ITS COASTS AND ISLANDS. THE UNOFFICIAL TRANSLATION OF
THE UPDATED REFERENCE IS QUOTED AS FOLLOWS:

BEGIN QUOTE:

REGULATIONS ON THE GRANTING TO FOREIGN VESSELS OF
PERMITS TO VISIT, FOR TOURIST OR SCIENTIFIC PURPOSES,
THE ECUADORIAN TERRITORIAL SEA, ITS COASTS OR ISLANDS

ARTICLE 1. EVERY FOREIGN VESSEL WISHING TO VISIT, FOR TOURIST
OR SCIENTIFIC RESEARCH PURPOSES, THE TERRITORIAL SEA, ITS COASTS OR
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ISLANDS, SHALL OBTAIN THE PROPER APPROVAL IN WRITING FROM THE MINISTR

Y
OF NATIONAL DEFENSE.

ARTICLE 2. IN ORDER TO OBTAIN APPROVAL AS STATED IN ARTICLE 1, THE OWNERS OR THE CAPTAIN OF THE VESSEL SHALL, AT LEAST 60 DAYS IN ADVANCE OF THE DATE FIXED FOR THE EXPEDITION, FILE AN APPLICATION IN WRITING EITHER DIRECTLY WITH THE MINISTRY OF NATIONAL DEFENSE OR THROUGH ANY ECUADORIAN EMBASSY, TO BE ACCOMPANIED BY A DETAILED DESCRIPTION, REQUIREMENTS AND DOCUMENTATION TO WHICH REFERENCE IS MADE IN THE FOLLOWING ARTICLES:

ARTICLE 3. THE FOLLOWING DOCUMENTS AND DESCRIPTION SHALL BE ATTACHED TO THE APPLICATION MENTIONED IN ARTICLE 2, IF THE EXPEDITION IS SIMPLY FOR TOURIST PURPOSES:

1. CHARACTERISTICS OF VESSEL.
2. TRAVEL SCHEDULES AND DESCRIPTION OF CONTEMPLATED ACTIVITIES.
3. NAMES OF THE NATIONAL AND FOREIGN SPONSORS OF THE TRIP AND THEIR PROPERLY VERIFIED ADDRESSES.
4. PLACE AND DATE OF EMBARKATION AND DISEMBARKATION.
5. A COMMITMENT TO TAKE ON BOARD, AT A PORT TO BE DESIGNATED, AN ECUADORIAN TOURIST GUIDE, AT THE MINISTRY'S OPTION, TO BE PAID FOR BY THE COMPANY.
6. AN EXPRESS COMMITMENT TO OBEY THE RULES ON PRESERVATION OF THE NATIONAL PARKS AND THOSE NATURAL SPECIES DECLARED TO BE A NATIONAL RESERVE, AND TO PAY FOR ANY DAMAGES THAT MAY BE CAUSED TO THEM.

ARTICLE 4. IF IT IS THE PURPOSE OF THE EXPEDITION TO CARRY OUT SCIENTIFIC RESEARCH, THE FOLLOWING DOCUMENTATION AND REQUIREMENTS SHALL BE ATTACHED TO THE APPLICATION, IN ADDITION TO THE ITEMS LISTED IN ARTICLE 3:

1. NAMES OF THE PARTICIPATING SCIENTISTS.
2. NAMES AND VERIFIED ADDRESSES OF THE REPRESENTATIVES OR ATTORNEYS IN ECUADOR.
3. A DESCRIPTION OF THE RESEARCHES TO BE MADE IN THE FOLLOWING FIELDS: OCEANOGRAPHY, PHYSICS, CHEMISTRY, BIOLOGY, GEOPHYSICS, METEOROLOGY AND HYDROLOGY.
4. A COMMITMENT TO STOP AT THE FIRST ECUADORIAN PORT AND TO TAKE ON BOARD THERE AN OFFICER OR OFFICIAL OF THE NAVY OCEANOGRAPHIC INSTITUTE.

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5. PURPOSES OF THE FINDINGS OF RESEARCH.
6. A COMMITMENT TO DELIVER, THROUGH DIPLOMATIC CHANNELS, THE FULL FINDINGS AND CONCLUSIONS OF THE STUDIES MADE, WITH AN INDICATION OF DATES.
7. A COMMITMENT TO COOPERATE WITH ECUADORIAN TECHNICIANS IN SCIENTIFIC WORK IN WHICH THE NAVY OCEANOGRAPHIC INSTITUTE MAY BE INTERESTED.
8. IN THE SPECIFIC CASE THAT THE VESSEL ENGAGES IN GEOPHYSICAL

RESEARCH FOR SUBMARINE SEISMOGRAPHIC EXPLORATION, ANY HYDROCARBON CONCESSIONS WILL BE GRANTED BY THE MINISTRY OF NATURAL RESOURCES AND ENERGY, IN ACCORDANCE WITH THE SUPREME DECREE PUBLISHED IN OFFICIAL REGISTER 400 OF MAY 31, 1970. THE GENERAL COMMANDER OF THE NAVY SHALL, THROUGH THE MINISTRY AFORESAID, REQUIRE THE FOLLOWING INFORMATION FROM THE INDIVIDUALS OR COMPANIES, WITHIN 6 MONTHS FROM COMPLETION OF THE EXPLORATION WORK:

- METHOD OF SEISMOGRAPHIC INVESTIGATION USED.
- NUMBER OF FENCES AND DEFLECTIONS.
- TYPE OF RECORD FOR SHOTS.
- FILTERING PROCESS FROM ITS INCEPTION TO FINAL REPRODUCTION OF RECORDS.
- "DECONVOLUTION" PROCESS AND MANNER OF PERFORMING IT, PARTICULARLY IF DONE BEFORE OR AFTER "SUBMERSION".
- A BASE MAP SHOWING LOCATION OF EXPLORATION POINTS.
- COPIES OF CROSS SECTIONS AND LONGITUDINAL SECTIONS OF SEISMIC RECORDS, WHETHER OF VARIABLE DENSITIES OR AREAS, GALVANOMETRIC OR COMBINED, PROPERLY CORRECTED AND PROCESSED TO ADEQUATE VERTICAL AND HORIZONTAL SCALES.
- A COPY OF BATHYMETRIC MAP.

ARTICLE 5. UPON RECEIPT OF APPLICATION BY THE MINISTRY, THE LATTER, ON THE BASIS OF A FAVORABLE OPINION RENDERED BY THE GENERAL COMMANDER OF THE NAVY AND AFTER VERIFICATION THAT THE APPLICATION MEETS THE REQUIREMENTS SET FORTH IN ARTICLE 4, WILL ISSUE A RESOLUTION EITHER GRANTING OR DENYING APPROVAL.

ARTICLE 6. IF THE RESOLUTION APPROVES THE EXPEDITION, SUCH RESOLUTION WILL STATE IN DETAIL THE EXPRESS TERMS AND CONDITIONS UNDER WHICH IT IS GRANTED. IF THE APPLICATION IS REFUSED, THE REASONS OR GROUND FOR REFUSAL WILL BE STATED.

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ARTICLE 7. IF, BEFORE ISSUING A MINISTRY RESOLUTION AS STATED IN ARTICLE, IT IS FOUND THAT ONE OR MORE REQUIREMENTS, AS SET FORTH IN ARTICLES 3 AND 4, HAVE NOT BEEN MET, THE APPLICANT WILL BE REQUIRED TO MEET SUCH REQUIREMENTS AND A PERIOD OF TIME WILL BE GIVEN HIM FOR THIS PURPOSE.

ARTICLE 8. IF THE MINISTRY OR THE GENERAL COMMANDER OF THE NAVY, AFTER REVIEWING THE PROPER DOCUMENTATION, SHOULD DECIDE THAT THE EXPEDITION IN QUESTION IS UNTIMELY OR WOULD NOT SERVE THE NATIONAL INTERESTS, APPROVAL MAY BE DEFERRED OR REFUSED, WITHOUT STATING THE REASONS FOR SUCH DECISION.

ARTICLE 9. IF, AFTER GRANTING APPROVAL, SUBSEQUENT CIRCUMSTANCES OR NON-COMPLIANCE BY THE GRANTEE WITH ONE OR MORE OF THE REQUIREMENTS OR CONDITIONS STATED IN THE RESOLUTION, THE MINISTRY MAY ISSUE A NEW RESOLUTION TO CANCEL THE ORIGINAL APPROVAL, AND THE CAPTAIN OF THE VESSEL WILL BE GIVEN A REASONABLE PERIOD OF TIME FOR LEAVING THE NATIONAL WATERS.

ARTICLE 10. NO VESSEL, EVEN THOUGH IT HAS LEGALLY APPLIED FOR APPROVAL FOR THE EXPEDITION, MAY ENTER ECUADORIAN TERRITORIAL WATERS BEFORE OBTAINING THE PROPER PERMISSION.

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ARTICLE 11. AT THE TIME OF BEGINNING AN EXPEDITION IN ECUADORIAN TERRITORIAL WATERS, THE CAPTAIN OF THE VESSEL SHALL DELIVER TO THE ECUADORIAN OFFICER OR TOURIST EXECUTIVE THE MINISTRY RESOLUTION OF APPROVAL AND WILL, IN TURN, RECEIVE:

(A) ORDERS AND PROVISIONS FROM THE GENERAL COMMANDER OF THE NAVY.

(B) PROVISIONS FROM THE NAVY OCEANOGRAPHIC INSTITUTE ON THE TASKS TO BE ACCOMPLISHED AND ASCERTAINED.

ARTICLE 12. UPON COMPLETION OF AN EXPEDITION, THE CAPTAIN OF THE VESSEL WILL RECEIVE THE APPROVAL FOR DEPARTURE FROM THE RESPECTIVE PORT CAPTAIN.

ARTICLE 13. THE DESIGNATED OFFICER SHALL, WITHIN A PERIOD OF 30 DAYS FROM THE DATE OF DISEMBARKATION AT A PORT, SUBMIT TO THE GENERAL COMMANDER A REPORT, WITH COPIES FORWARDED TO THE PROPER

MINISTRY AND THE OCEANOGRAPHIC INSTITUTE.

ARTICLE 14. THE REPORT REFERRED TO IN ARTICLE 13 SHOULD CONTAIN THE INFORMATION STATED IN THE SPECIAL INSTRUCTIONS WHICH THE NAVY OCEANOGRAPHIC INSTITUTE WILL ISSUE FOR THIS PURPOSE.

SPECIAL PROVISIONS ON THE PROVINCE GALAPAGOS

ARTICLE 15. PERMITS FOR VISITS TO THE GALAPAGOS ISLANDS BY FOREIGN FLAG VESSELS WILL ONLY BE ISSUED FOR STRICTLY SCIENTIFIC PURPOSES.

ARTICLE 16. FOR THE PURPOSES OF THE PROVISION IN ARTICLE 15 A SCIENTIFIC INVESTIGATION VISIT WILL BE UNDERSTOOD TO BE A VISIT MADE UNDER THE PATRONAGE AND DIRECTION OF A FOREIGN GOVERNMENT OR A RECOGNIZED INTERNATIONAL ORGANIZATION, AND WHICH IS IN AGREEMENT WITH A PRE-ESTABLISHED PROGRAM TO BE PROPERLY QUALIFIED AND APPROVAL BY THE GENERAL COMMANDER OF THE NAVY.

ARTICLE 17. ALL APPLICATIONS FOR VISITING THE GALAPAGOS ISLANDS FOR THE PURPOSES OF SCIENTIFIC INVESTIGATION SHOULD MEET THE REQUIREMENTS SET FORTH IN ARTICLE 4 OF THESE REGULATIONS.

ARTICLE 18. VISITS OF A CULTURAL OR TOURIST NATURE MAY ONLY
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BE MADE IN ECUADORIAN FLAG VESSELS AND THE PROPER APPLICATIONS SHALL BE SUBJECT TO SPECIAL REGULATIONS TO BE ISSUED FOR THIS PURPOSE. END QUOTE.

NOTE: THIS ENGLISH TRANSLATION INCLUDES THE FULL TEXT OF THE REGULATIONS, INCLUDING THE ADDITIONS DECREED UNDER RESOLUTION 912 ISSUED BY THE MINISTRY OF DEFENSE ON JUNE 4, 1974.

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